

REMARKS

Claims 1-9, 12, 14-19 and 21 are pending in this application. By this Amendment claim 10 is canceled. No new matter is added.

Applicants thank the Examiner for allowing claims 1-9, 12, 14-19 and 21.

The Office Action objects to specification on the grounds that claim 10 conflicted with two portions of the specification. Claim 10 recited a "computer program product comprising program code...." The Office Action asserts that this conflicts with two sections of the specification. First, the Examiner asserted that page 6, lines 17-20 indicated that the computer program could be construed as a computer data signal.

As a preliminary matter, Applicants respectfully argue that claim 10 did not conflict with page 6 of the specification. Page 6 identifies five different potential embodiments of the invention. Namely, (1) a method, (2) a geodetic device, (3) a geodetic system and a computer program, (4) a computer data signal and (5) a reference/data directory. Claim 1 recites the method; that claim 14 recites the geodetic device; claim 10 recited the computer program; claim 12 recites the reference/data directory; and none of the claims recite the computer data signal. However, the existence of the computer data signal does not conflict with [canceled] claim 10, nor render it non-statutory.

Next, the Office Action asserts that claim 10 was in conflict with page 25 of the specification. Page 25, lines 29-32 of Applicant's specification state that the method can be run on any type of computer aided realization. The Office Action asserts this somehow conflicted with claim 10. Yet page 25 clearly states that the method (i.e. claim 1) can be carried out by any type of computer system that can perform the recited method steps. Such a statement does not affect, or define, claim 10.

However, as claim 10 is now canceled, any alleged confusion should no longer exist. Withdrawal of the objection is respectfully requested.

Claim 10 is rejected under 35 U.S.C. §101 for failing to recite statutory subject matter, Claim 10 has been canceled rendering this rejection moot.

The remainder of the claims stand allowed. Thus, prompt allowance of the application is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Moshe K. Wilensky
Registration No. 56,263

JAO:MKW/jfb

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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